

**REMARKS**

Claims 6-10 and 14 have been canceled. Claims 2-5 and 11-13, and amended claim 1 are in this application.

Claims 1-3 and 11-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,545,709 B2 (Takei et al.) in view of U.S. Patent No. 6,720,866 B1 (Sorrells et al.), U.S. Patent No. 7,315,522 B2 (Wood, Jr.) and further in view of US 2002/0065576 (Beaucour). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Takei in view of Sorrells, Wood, Beaucour and further in view of U.S. Patent No. 6,408,095 B1 (Maeda et al.) and U.S. Patent No. 6,686,829 B1 (Hohberger et al.). Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Takei in view of Sorrells, Wood, Beaucour and further in view of Maeda. Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Takei in view of Sorrells, Wood, Beaucour and further in view of U.S. Patent No. 6,122,329 (Zai et al.).

Independent claim 1 has been amended. As a result, amended independent claim 1 now recites in part the following:

**"the data supply source apparatus is operable to photograph a moving image and to perform an RFID (Radio Frequency Identification) tag function that transmits image data representative of the moving image obtained from a moving image photographing operation by a back scattering scheme by absorbing or reflecting external radio waves provided by the data provided destination apparatus in accordance with a bit string of the data through an on/off control of an antenna switch to make an antenna in a terminated state or an open state; and the data provided destination apparatus is operable to perform a reader function that**

transmits the radio waves in a predetermined frequency band and reads data of an RFID tag in accordance with reflected waves from the data supply source apparatus which represent the moving image data obtained from the moving image photographing operation," (Emphasis added.)

It is submitted that the present application provides support for the features herein added to claim 1. With regard thereto and as an example, reference is made to paragraph 0020 and original claim 9 of the present application.

In explaining the above 103 rejection with regard to claim 1 and as best understood, the Examiner appears to rely on Sorrells (and in particular lines 1-9, 11-17 and 19-27 of column 2, lines 10-26 of column 4, lines 52-58 of column 6 and Fig. 7B thereof), and Wood (and in particular lines 31-46 of column 10 and Fig. 5 thereof) for disclosing RFID communication. (See section 3 on pages 4-5 of the present Office Action.)

In response, it is respectfully submitted that the portions of Sorrells and Wood relied on by the Examiner do not appear to disclose the RFID communication as now specifically recited in claim 1. That is, claim 1 now recites in part the following ". . . to perform an RFID (Radio Frequency Identification) tag function that transmits image data representative of the moving image obtained from a moving image photographing operation" and "reads data of an RFID tag in accordance with reflected waves from the data supply source apparatus which represent the moving image data obtained from the moving image photographing operation" (Emphasis added.) Although Sorrells appears to disclose RFID devices and Wood appears to mention a device having RFID circuitry, neither the portions of Sorrells nor the portions of Wood relied on by the

Examiner appear to indicate that such RFID devices or RFID circuitry are used to transmit image data representative of the moving image and to read such data.

Additionally, it is respectfully submitted that it would not have been obvious to one of ordinary skill in the art to combine Takei, Sorrells and Wood in the manner apparently proposed by the Examiner. In support thereof, Takei appears to provide a technique for wirelessly transmitting data by use of a spread spectrum unit (such as unit 418 of Fig. 4 thereof). It is submitted that such spread spectrum unit is significantly different from the RFID arrangement of claim 1. Further, there does not appear to be any teaching, suggestion or motivation in Takei as applied by the Examiner to replace its spread spectrum unit with an RFID arrangement. In fact, Takei appears to substantially mention/describe its spread spectrum unit and the use thereof throughout its application. In support thereof, reference is made to Figs. 3-4, 6-7, and 9-10 and the description thereof in Takei. Accordingly, it is submitted that without the benefit of hindsight, one skilled in the art would not have replaced the spread spectrum unit of Takei with an RFID arrangement. Additionally, by such extensive description of its spread spectrum unit and the use thereof, it is submitted that Takei has effectively taught away from replacing its spread spectrum unit with an RFID arrangement.

Accordingly, it is respectfully requested that the above 103 rejection(s) of claim 1 be withdrawn.

Claims 2-5 and 11-13 are dependent from amended independent claim 1. Accordingly, it is respectfully requested that the above 103 rejection(s) of dependent claims 2-5 and 11-13 be withdrawn for at least the reasons previously described.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional rejections and/or objections which the Examiner might have.

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,  
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